

April 15th, 2013

Dear Chair and members of the committee,

For the record my name is Mike Fellows. I'm chairman of the Montana Libertarian Party, and I rise in opposition to SB 408, since we are the main target of this bill.

SB 408 is not about allowing everyone to run for office on the XYZ party or the rent is too high party or whatever label candidates chose in the primary, but it's about one party controlling the state of Montana. In California, Top Two supporters wanted more moderate candidates elected. They promised more candidates, and higher turnout. Both failed. Turnout for the 2012 California June 5th primary was the lowest in history at around 30-percent. In 2008 it was 57-percent. Do we want a California style top two in Montana?

In Montana, the Republicans were hoping to win the governor's office and defeat Jon Tester. Plenty of 2012 voters were embracing Libertarian ideals of limited government and personal freedom, rather than those establishment Republican candidates. The general election is where most voters pay attention. 491,966 voters cast ballots in the general election, while only 238,771 voters cast ballots in the primary, according to the Secretary of State. So getting the vote out is very important. This was one of the reasons Congressman Rehberg lost. In 2008 308,470 people voted for the Congressman. In 2010 that number went down to 217,696 votes, so 90,774 voters decided not to vote for Rehberg again. In 2012 the vote for Rehberg was 218,051. So why blame the Libertarians when Rehberg's get out the vote

amounted to 355 more votes than his 2010 totals. Remember Rehberg was endorsed by Mitt Romney, who received 267,928 voters.

The Top Two is designed to eliminate 3rd parties from the statewide general ballot and other local elections. As Ballot Access guru Richard Winger (Ballot-Access.org) has stated "In Washington state, from statehood in 1890 thru 2006, there were always minor party and/or independent candidates on the November ballot for statewide office, or Congress, with no exceptions. But when Washington state started using the "top-two open primary" in 2008, and ever since, no minor party candidates have appeared on the ballot for statewide office or congress (except president, because Washington state doesn't use the top-two system for president)". Minor parties who were an integral part of California's political tradition, have been wiped off the November ballot by the Top Two legislation (prop 14). The Vice president of journalism for the Franklin Center for Government and public Integrity, Steven Greenhut said Prop 14 was supposed to reduce the influence of big money, but record amounts were spent in California in the primary cycle, and it will only increase the power of moneyed interests, since candidates will have to run in two open, general elections, rather than in a narrow primary and then in a general, in what is typically a safe seat. That takes a lot more money than it did before. One could say this idea of a top two is nothing more than an incumbent protection act and because of this act California is becoming a one party state.

In 2012 Arizona voters decided the fate of Proposition 121, a top two bill ,

dubbed the open Elections/Open Government Act, The Open government Committee, led by former Phoenix Mayor Paul, contends the change would produce more moderate candidates and increase primary election turnout. Arizona Political Parties opposed proposition 121, and the voters defeated 121 by a 2 to 1 margin.

Montana voters want choices in November. Why would people vote if their choices are between two Democrats or two moderate Republicans, in the general election. Republicans would like to eliminate the competition, and the free market of idea's in elections using Top Two. Supporters claim Top Two will provide greater choice, but voters will have fewer choices. This committee had said no to HB 436 and this committee can say no to SB 408, and yes to having all idea;s expressed in the general election. We don't need a one party state.

Thank you for your time on this issue.